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Security Council

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Letter dated 31 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (see annex), containing an account of the Committee's activities for 2004. The report, which was adopted by the Committee on 30 December 2004, is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) Munir **Akram**
Chairman
Security Council Committee established pursuant
to resolution 1521 (2003) concerning Liberia

04-67056 (E) 060105

Annex

Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 22 December 2003, when the Committee was established, to 31 December 2004.

2. The bureau consisted of Munir Akram (Pakistan) as Chairman, with the delegations of Angola and the Philippines providing the Vice-Chairmen. During this period the Committee held 4 formal meetings in addition to 16 informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

3. In its resolution 788 (1992) of 19 November 1992 the Security Council imposed a general and complete arms embargo on Liberia, and in its resolution 985 (1995) of 13 April 1995 it established a Committee to monitor its implementation.

4. In resolution 1343 (2001) of 7 March 2001, the Council dissolved the Committee and re-imposed the arms embargo with immediate effect for a 14-month period. Under the resolution the Council also established a new Committee to ensure the effective implementation of the new arms embargo and to oversee the prohibitions on the import of rough diamonds from Liberia and the travel restrictions affecting individuals designated by the Committee in accordance with the criteria set out in the resolution. The diamond and travel sanctions entered into force on 7 May 2001, and they were subsequently renewed, together with the arms embargo, by Security Council resolutions 1408 (2002) and 1478 (2003). Resolution 1478 (2003) also imposed prohibitions on the import of round logs and timber products originating in Liberia for an initial period of 10 months, effective 7 July 2003.

5. In its resolution 1521 (2003), adopted on 22 December 2003, the Security Council decided to dissolve the Committee and to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003) the Council established a new Committee to oversee the implementation of the measures as modified and re-imposed by the resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. On 16 March 2004, after considering the submissions of the members of the Committee and the suggestions communicated by the United Nations Mission in Liberia (UNMIL), the Committee issued a new travel-ban list, containing the names of

individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003) (SC/8027).

6. By paragraph 22 of resolution 1521 (2003) the Security Council decided to establish a Panel of Experts, for a period of five months, to conduct a follow-up assessment mission to Liberia and neighbouring States and to report on the implementation of the Council's relevant measures. The Panel was also requested, inter alia, to assess progress made towards the goals set out by the Council for the lifting of sanctions and report with recommendations on how to minimize any humanitarian and socio-economic impact of the Council's relevant sanctions measures. The Panel of Experts commenced its work on 26 February 2004 and issued its report on 1 June 2004 (see S/2004/396 and Corr.1 and 2).

7. By paragraph 1 of resolution 1532 (2004), adopted on 12 March 2004, the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewell Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list) (SC/8123).

8. By paragraph 1 of resolution 1549 (2004), adopted on 17 June 2004, the Security Council decided to re-establish the Panel of Experts appointed pursuant to paragraph 22 of resolution 1521 (2003) until 21 December 2004 to undertake the tasks described in paragraph 8 of that resolution and also to monitor the implementation and enforcement of the assets freeze imposed by paragraph 1 of resolution 1532 (2004). The Panel commenced its work on 18 July 2004 and issued a mid-term report on progress made by the National Transitional Government of Liberia in meeting the conditions set out by the Council for the lifting of sanctions on diamonds and timber, prepared in accordance with paragraph 2 of resolution 1549 (2004), on 24 September 2004 (see S/2004/752). The final report of the Panel under the mandate accorded to it by resolution 1549 (2004) was issued on 6 December 2004 (see S/2004/955).

9. By paragraph 1 of resolution 1579 (2004), adopted on 21 December 2004, the Security Council decided, on the basis of its assessments of progress made by the National Transitional Government of Liberia towards meeting the conditions for the lifting of the sanctions imposed by resolution 1521 (2003), to renew the arms embargo, the travel restrictions on designated individuals and the prohibitions on the import of round logs and timber products originating in Liberia for a further period of 12 months, and to review them after 6 months. By the same paragraph, the Council also decided to renew the prohibitions on the import of rough diamonds from Liberia for a further period of six months, but to review them after three months.

10. By paragraph 8 of resolution 1579 (2004) the Security Council decided to re-establish the Panel appointed pursuant to resolution 1549 (2004) for a further period until 21 June 2005 to undertake the tasks set out in the resolution including, inter alia, to conduct a follow-up assessment mission to Liberia and neighbouring States

and report on the implementation of the Council's relevant measures, including the assets freeze; to assess progress made towards the goals set out by the Council for the lifting of sanctions; and to assess the humanitarian and socio-economic impact of the Council's relevant sanctions measures.

B. Summary of the activities of the Committee

11. Since the adoption of resolution 1521 (2003), the Committee has received and approved one request, in accordance with paragraph 2 (e) of that resolution, to permit UNMIL to import into Liberia a quantity of weapons and ammunition donated by the city of Antwerp, Belgium, to be used in support of the ongoing efforts of UNMIL to train the new Liberian police service.

12. During the reporting period, the Committee considered 10 requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which 7 were granted.

13. The Committee continued the practice, initiated by the Liberia Committee established pursuant to resolution 1343 (2001), of holding quarterly reviews of the travel-ban list established on 16 March 2004. These quarterly reviews were conducted in June, September and December 2004, during which the Committee considered 19 requests for names to be removed from the list. The Committee decided to retain the names of 19 persons and to add the names of 5 additional persons. During the period under review, the Committee did not remove any names from the travel-ban list. During its reviews, the Committee was also able to include additional information on the list in connection with six individuals on the basis of information it received. The latest version of the travel-ban list was issued as SC/8211 on 6 October 2004, and it is also available on the Committee's web site (http://www.un.org/Docs/sc/committees/Liberia3Template.htm).

14. By paragraph 4 (b) of resolution 1532 (2004) the Security Council decided that the Committee would review the assets-freeze list every six months. In accordance with this provision, the Committee conducted its first formal review of the assets-freeze list on 17 and 20 December 2004. Although the conduct of the first six-monthly review of the list was not required until mid-December 2004, the Committee had previously considered, in August 2004, three requests for removal from the list shortly after they had been received. The Committee subsequently informed the individuals concerned, through the appropriate channels, that it could not accede to their requests on the basis of the information that had been provided. During the period under review, the Committee added three names to the assets-freeze list, and it was also able to include additional information in connection with five individuals on the basis of information it received. The latest version of the assets-freeze list was issued as SC/8176 on 26 August 2004, and it is also available on the Committee's web site.

15. In accordance with the exception set out in paragraph 2 (a) of resolution 1532 (2004), the Committee received two notifications from Member States regarding their intention to authorize certain expenditures to the benefit of individuals included on the assets-freeze list — from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland, dated 10 August 2004, and from the Permanent Mission of Germany, dated 27 October 2004. No negative decision was taken by the Committee within the requisite two-day period with regard to either of these notifications.

16. The Committee was not able to adopt guidelines for the conduct of its work in 2004. This did not, however, prevent the Committee from discharging its mandate. On 16 March 2004, the Committee adopted procedures for updating and maintaining its travel-ban list and also for handling requests for exemptions from the travel restrictions contained in paragraph 4 of resolution 1521 (2003). In addition, on 15 June 2004 the Committee also issued guidelines for the application of paragraphs 1 and 4 of resolution 1532 (2004) concerning the assets freeze. All of these procedures are available on the Committee's web site. The Committee Chairman, in his statement in the Council on 22 December 2004, underlined the desirability of finalizing the guidelines as early as possible in 2005.

17. At its informal consultations on 17 December 2004, the Committee engaged in a useful and timely discussion on the Committee's procedures for conducting reviews of its travel-ban and assets-freeze lists, as well as on the wider subject of unifying the Committee's guidelines as a whole to enhance the conduct of its work. At the Committee's fourth meeting, on 20 December 2004, the Chairman encouraged the Committee to continue this important work in 2005, since it would help interested parties gain a better understanding of the work in which the Committee was engaged.

18. By paragraph 21 (b) of resolution 1521 (2003), the Security Council decided that the Committee was to seek from all States, particularly those in the subregion, information about the actions taken by them to implement effectively the measures contained in paragraphs 2, 4, 6 and 10 of that resolution. In this connection, 15 replies were received from States in response to the Committee's note verbale (SCA/1/04/(01)) of 20 January 2004 (see appendix 1).

19. By paragraph 4 (d) of resolution 1532 (2004), the Security Council decided that the Committee was to seek from all States information regarding the actions taken by them to trace and freeze the funds, other financial assets and economic resources described in that resolution. In this connection, 10 replies were received from States in response to the Committee's note verbale (SCA/1/04(14)) of 14 June 2004 (see appendix 2). On 8 November 2004, one Member State provided information directly to the Chairman of the Panel of Experts on Liberia regarding action it had taken to implement the assets freeze imposed by resolution 1532 (2004).

C. Violations and alleged violations of the sanctions regime

20. No major violations of the arms embargo were reported during the period under review. The sanctions on diamonds and timber were also being largely implemented.

21. Under paragraph 21 (f) of resolution 1521 (2003), the Committee is authorized by the Security Council "to consider and take appropriate action, within the framework of this resolution, on pending issues or concerns brought to its attention concerning the measures imposed by resolutions 1343 (2001), 1408 (2002) and 1478 (2003), while those resolutions were in force".

22. On 30 November 2004, in response to information contained in the report of the Panel of Experts (see S/2004/396 and Corr.1 and 2), the Committee requested the Chairman to address 13 letters seeking information from States regarding

alleged violations of the sanctions regime. To date, no responses have been received.

D. Other activities

23. The Committee's deliberations on the reports of the Panel of Experts and the Chairman's briefings to the Council facilitated the Council's review of the sanctions regime conducted in June, October and December 2004. With the sanctions being generally observed, the discussions in the Committee focused largely on the issue of economic measures, i.e., diamonds and timber, and led to the adoption of a differentiated approach in the context of resolution 1579 (2004).

24. On 10 June 2004, pursuant to paragraph 19 of resolution 1521 (2003), the Chairman briefed the Security Council as part of the Council's first review of the sanctions imposed by paragraphs 2, 4, 6 and 10 of that resolution. The Chairman's statement was based upon the Committee's deliberations in its consultations on 4 June 2004 concerning the report of the Panel of Experts (see S/2004/396 and Corr.1 and 2) consultations and was approved at the Committee's second meeting, on 9 June 2004.

25. On 7 October 2004 the Chairman briefed the Security Council on the mid-term report of the Panel of Experts (see S/2004/752), which specifically addressed the progress made by the National Transitional Government of Liberia towards meeting the benchmarks for the lifting of the sanctions on diamonds and timber specified in resolution 1521 (2003). The Council's 7 October review was conducted in accordance with paragraph 20 of resolution 1521 (2003), by which the Council decided to keep under regular review the measures on diamonds and timber, so as to terminate them as soon as possible once the relevant conditions have been met, in order to create revenue for the reconstruction and development of Liberia.

26. On 29 September and 30 November 2004, the Committee heard two separate briefings on the Liberia Forest Initiative, a multi-donor partnership designed to help Liberians create conditions favourable to the lifting of sanctions in the context of putting Liberia's forest sector back on a legal and sustainable basis. The briefings were given by representatives of the United States Government, the European Commission, the World Bank and the Food and Agriculture Organization of the United Nations.

27. On 21 December 2004, pursuant to paragraph 18 of resolution 1521 (2003) and paragraph 5 of resolution 1532 (2004), the Chairman briefed the Security Council as part of the Council's second comprehensive review of the sanctions imposed by paragraphs 2, 4, 6 and 10 of the former and by paragraph 1 of the latter. The Chairman's statement was based upon the Committee's deliberations in its consultations on 17 December 2004 concerning the report of the Panel of Experts (see S/2004/955) and was approved at the Committee's fourth meeting, on 20 December 2004.

III. Observations

28. During the period under review, the Committee benefited greatly from the reports and presentations provided by the Panel of Experts. In 2004, the Panel was able to spend more time inside Liberia than it had under previous mandates. Due to the full deployment of UNMIL, the Panel was able to travel throughout Liberia.

With the assistance provided by UNMIL in the spirit of paragraph 23 of resolution 1521 (2003), the Panel was able to conduct aerial surveillance of forest and mining areas, trace weapons collected during the disarmament process and gather detailed information with regard to the socio-economic and humanitarian impact of the sanctions. The Panel briefed the Committee on several occasions about its findings and recommendations and provided detailed responses to the comments and questions of Committee members.

29. During its consideration of the report and recommendations submitted by the Panel of Experts (see S/2004/955) and in preparation for the Council's sanctions review, the Committee also benefited from a useful briefing, at its informal consultations held on 10 December, from a representative of the Department of Peacekeeping Operations as well as from a detailed letter from the Special Representative of the Secretary-General for Liberia, which was submitted in a very timely manner in response to the Committee's request. These inputs were particularly valuable to the Committee as it grappled with the issue of economic sanctions, i.e., on diamonds and timber, and other complex issues, such as the extent of UNMIL and government control of the border and forest areas in Liberia, as well as the role that UNMIL could potentially play in the monitoring of sanctions violations, assisting in the deployment of customs and immigration officials, helping the Government map and monitor diamond mines and even identifying and publicizing corruption.

30. The Committee conducted its work throughout the reporting period in a transparent manner. The general membership was kept informed of the Committee's deliberations. The Committee Chairman regularly briefed interested Member States after the formal and informal meetings.

Appendix 1

Replies received from States in accordance with paragraphs 2, 4, 6 and 10 of Security Council resolution 1521 (2003)

State	Date of report	Symbol
Syrian Arab Republic	24 February 2004	S/AC.41/2004/1
Sierra Leone	4 March 2004	S/AC.39/2004/2
Austria	9 March 2004	S/AC.41/2004/3
Malta	11 March 2004	S/AC.41/2004/4
Russian Federation	18 March 2004	S/AC.41/2004/5
Finland	24 May 2004	S/AC.41/2004/6
Costa Rica	26 May 2004	S/AC.41/2004/7
Argentina	7 June 2004	S/AC.41/2004/8
Brazil	18 June 2004	S/AC.41/2004/9
Ukraine	21 June 2004	S/AC.41/2004/10
Kuwait	21 June 2004	S/AC.41/2004/11
South Africa	6 July 2004	S/AC.41/2004/12
Portugal	12 July 2004	S/AC.41/2004/13
Luxembourg	7 October 2004	S/AC.41/2004/14
Qatar	11 October 2004	S/AC.41/2004/15

Appendix 2

Replies received from States in accordance with paragraph 1 of Security Council resolution 1532 (2004)

State	Date of report	Symbol
Finland	24 May 2004	S/AC.41/2004/(14)/1
Brazil	18 June 2004	S/AC.39/2004/(14)/2
Ukraine	21 June 2004	S/AC.41/2004/(14)/3
Germany	19 May 2004	S/AC.41/2004/(14)/4
Russian Federation	29 June 2004	S/AC.41/2004/(14)/5
Malta	8 July 2004	S/AC.41/2004/(14)/6
Portugal	12 July 2004	S/AC.41/2004/(14)/7
Jordan	7 June 2004	S/AC.41/2004/(14)/8
Luxembourg	7 October 2004	S/AC.41/2004/(14)/9
Honduras	8 November 2004	S/AC.41/2004/(14)/10

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Report by the Secretary-General concerning the credentials of the alternate representatives of Algeria on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials from the Minister for Foreign Affairs of Algeria signed on 21 December 2004 stating that Mr. Larbi Hadj Ali and Mr. Abdelouahab Osmane have been appointed alternate representatives of Algeria on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

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Agenda item 36
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 29 December 2004 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to refer to the letters dated 9 and 17 November 2004, addressed to you by the Representative of the Israeli regime, which were circulated as documents of the General Assembly and of the Security Council (A/59/559-S/2004/890 and A/59/571-S/2004/906, respectively), in which baseless allegations were made against my country.

The Government of the Islamic Republic of Iran categorically refutes these unsubstantiated allegations and considers them as deliberate attempts to distract the international community's attention from Israel's acts of terrorism and aggression that have persistently aggravated the situation in the Middle East.

I should be grateful if you would have the present letter circulated as a document of the fifty-ninth session of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) M. Javad **Zarif**
Ambassador
Permanent Representative

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 29 December 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As 2004 comes to a close, the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem, continues to be critical as the Palestinian people continue to suffer loss and hardship as a result of the illegal policies and practices of Israel, the occupying Power. During the past year, the Israeli occupying forces inflicted nearly 1,000 more deaths and thousands more injuries on the Palestinian civilian population and caused massive destruction of homes, properties, land and infrastructure throughout the Occupied Palestinian Territory, particularly in and around the refugee camps of the Gaza Strip. The occupying Power continued to commit serious violations and grave breaches of international law, including war crimes and State terrorism, against the civilian population under its occupation, causing widespread devastation and suffering and deepening the humanitarian crisis.

Even as the Palestinian people mourned the loss of their leader, President Yasser Arafat, who died on 11 November 2004 after four decades of valiantly leading his people in their just struggle to achieve their inalienable right to self-determination, Israel, the occupying Power, continued to wage its military campaign against them. During this period, as reflected in the annexed list of martyrs, the occupying Power inflicted almost daily casualties on the Palestinian civilian population, killing and injuring children, women and men. In one day alone, on 17 December 2004, an Israeli raid on the Khan Younis refugee camp in Gaza left 12 Palestinians dead and injured more than 40 others. Dozens of homes were also bulldozed during the assault, rendering hundreds more people homeless, and extensive damage was caused to electricity lines and roads in the camp. In total, since our last letter, at least 113 Palestinians, including 15 children, have been killed as a result of the ongoing violence and attacks, including extrajudicial executions, perpetrated by the Israeli occupying forces.

At the same time, the occupying Power has continued to impose measures of collective punishment on the Palestinian people, including ongoing restrictions on

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freedom of movement through the imposition of closures and curfews and by means of the hundreds of checkpoints and roadblocks it continues to operate, as well as by its continuing unlawful construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, the gravest such measure in this regard. In addition, Israel continues to pursue its illegal settlement campaign, building and expanding settlements and expanding its network of bypass roads for the sole use of the illegal Israeli settlers. These illegal measures have perpetuated the isolation and suffocation of the Palestinian population in several Bantustans and continue to cripple the Palestinian economy, preventing its recovery and rehabilitation, and have seriously hampered the election process. In this regard, despite the assurances given by the occupying Power that it would not hinder the election process, it continues to impose restrictions on movement, preventing candidates from campaigning and creating obstacles for the registration process for the presidential elections. Moreover, there have been several instances of candidates being harassed, humiliated and even beaten by the occupying forces. Needless to say, the occupying forces have not withdrawn from the Palestinian population centres, a necessary step for the conduct of smooth, free and fair elections.

The international community, in accordance with the rules and principles of international law, including international humanitarian law, has clear responsibilities in terms of ensuring the proper conduct of the occupying Power, including compliance with its legal obligations and commitments, and we continue to express our strongest hopes that the necessary measures will be taken in this regard.

The present letter is in follow-up to our previous 209 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 25 October 2004 (A/ES-10/290-S/2004/856) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since my last letter to you, at least 113 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,552. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 29 December 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Tuesday, 26 October 2004 to Monday, 27 December 2004)

Tuesday, 26 October 2004

1. Mahmoud Asaad Almana'ami
2. Abdelaziz Mohammed Maamar
3. Salman Youssef Suleiman Al-Safadi (18 years old)

Wednesday, 27 October 2004

Issam Ghazi Hassan Taima

Thursday, 28 October 2004

1. Ranya Ayad Arram (8 years old)
2. Mohammed Fadil Abu Etta (17 years old)
3. Ibrahim Mohammed Issa Al-Fayed

Saturday, 30 October 2004

Ibrahim Mohammed Ibrahim Kamil (14 years old)

Sunday, 31 October 2004

Ammar Nassir Ghawadra

Monday, 1 November 2004

1. Mohammed Khalil Al-Kayed
2. Bashar Sami Zeyara (12 years old)

Tuesday, 2 November 2004

1. Fady Samer Nour Al-Sarwan
2. Jihad Omar Abu Salha
3. Majdi Waddah Mohammed Marii

Wednesday, 3 November 2004

1. Fady Kaficha
2. Raafat Samir Alhams

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,552.

Thursday, 4 November 2004

1. Raed Salim Tawfeeq Kourawi
2. Jazia Abderrahim Al-Farroukh
3. Mohammed Hassan Abdeljawad Abu Hadwan

Friday, 5 November 2004

1. Ahmed Mohammed Alsamiri (8 years old)
2. Mohammed Musa'ad Alsamiri (9 years old)

Saturday, 6 November 2004

1. Mohammed Ahmed Shaker Jaidi
2. Mohammed Jad Khalil Saadiya
3. Ala'a Hisham Samara (14 years old)
4. Rami Mohammed Al-Ramlawi
5. Ramzi Mohammed Al-Jaabir
6. Omar Abdelaziz Nawfal

Sunday, 7 November 2004

1. Amin Fawzi Abdelrahim Hamdan Mansour
2. Ahmed Mohammed Fadil Masharqa
3. Amin Jamal Abu Al-Kamel
4. Fadi Khoudar Ighbariya
5. Mohammed Mahmoud Salahedine Fahmi

Tuesday, 9 November 2004

1. Qadry Fayez Abdullah Ashour
2. Asaad Fathi Jouda
3. Mohammed Jamil Matar

Wednesday, 10 November 2004

1. Fathi Issa Altal
2. Mohammed Abdelrahman Al-Mabhouh
3. Jihad Abdelkader Salama

Thursday, 11 November 2004

1. Noureddine Khamis Mourtaja
2. Mohammed Ahmed Shaker Al-Kholi
3. Bilal Mohammed Abdelkader Dyab
4. Mohammed Jamil Amer Abu Marya

Sunday, 14 November 2004

Ashraf Majdi Hassan Daher

Wednesday, 17 November 2004

Intissar Jabr Ahmed Darwish

Friday, 19 November 2004

Jihad Ibrahim Abu Layla

Saturday, 20 November 2004

1. Amer Mohammed Darwish Bannat (15 years old)
2. Muntassir Jihad Marwan Hadada (15 years old)
3. Mohammed Khalil Ahmed Shahada

Sunday, 21 November 2004

1. Riyad Hassan Abdelfattah Tamous
2. Khalil Mohammed Shahada
3. Mohammed Ghassan Othman Liftawi
4. Sallam Yakoub Issa Abu Hilala
5. Nasser Said Bakr Jawabra

Tuesday, 23 November 2004

Hassan Abdellah Ramadan

Wednesday, 24 November 2004

1. Moussa Abdelfattah Ghariz
2. Mourad Ali Hassan Al-Kawasme
3. Omar Hisham Abdelfattah Al-Haymouni

Sunday, 28 November 2004

Mamoud Said Kishta (16 years old)

Monday, 29 November 2004

1. Samir Mahmoud Awad Hijazi
2. Moataz Abdullah Al-Rakhawi (18 years old)
3. Khamis Youssef Al-Ghazali
4. Mohammed Khalil Odeh Al-Kharroubi
5. Said Mohammed Tah

Thursday, 2 December 2004

Nabil Suleiman Mohammed Beirat

Friday, 3 December 2004

Mahmoud Hamdan Abdelrahman Hammad Kamil

Tuesday, 7 December 2004

1. Ismail Ahmed Al-Sawarqa
2. Amer Abdellah Salem Islim
3. Adham Ahmed Ayesh Hajila
4. Moumin Rajab Mohammed Rajab

Thursday, 9 December 2004

1. Karam Hassan Ali Al-shami
2. Walid Mosa'ad Al-Tarabeen
3. Rashad Ibrahim Atiya Abu-Sanima
4. Ayad Suleiman Ghayad
5. Abdelatti Salama Abu Sahbain

Friday, 10 December 2004

1. Rana Omar Siyam (7 years old)
2. Salah Omar Sheikh Eid

Saturday, 11 December 2004

Ramadan Mohammed Harazallah (16 years old)

Sunday, 12 December 2004

1. Almoueid Bihukmallah Khalil El-Agha
2. Salam Saber Shalouf
3. Ihsan Naim Hassan Al-Safi Shawahna

Tuesday, 14 December 2004

Samir Sultan Khafaja

Wednesday, 15 December 2004

Mustafa Jahini Al-Sawarqa

Thursday, 16 December 2004

1. Mohammed Khalil Khalil Mekdad Alawaj
2. Hassan Musa Al-Bana
3. Ashraf Baalousha
4. Hassan Mustafa Kabha

Friday, 17 December 2004

1. Mohammed Abu Rafii
2. Shadi Hussein Al-Haddad
3. Rami Ghazi Abu Saada
4. Said Aref Abdellah Abu Alsaid
5. Islam Abdelaziz Mohammed Al-Nabris
6. Khaled Abderrahman Ibrahim Abu Abida (18 years old)
7. Jihad Ramadan Abu Omar (16 years old)
8. Izzedine Said Mahmoud Hamdan
9. Hamed Issam Hamed Al-Rantisi (18 years old)
10. Ahmed Mohammed Ahmed Abu Radwan

Saturday, 18 December 2004

1. Ibrahim Abdelhamid Ayesh Al-Fara
2. Mohammed Mansour Berigh

Wednesday, 22 December 2004

1. Mohammed Khalil Ashraf Al-Jridli
2. Mohammed Khalil Ibrahim Abu Nasser
3. Ibrahim Hamdi El-Bayouk
4. Salim Mohammed Abdelhady Alssir

Thursday, 23 December 2004

1. Rami Kamel Abu Akr
2. Eid Mohammed Alabed Abu Namous

Friday, 24 December 2004

1. Jamal Khaled Azzam (16 years old)
2. Kamel Abdullah Kamel Sabarini (18 years old)
3. Eyad Azmi Ghannam

Saturday, 25 December 2004

Thaer Jamal Mohammed Abu Al-Kamel

Sunday, 26 December 2004

1. Mohammed Abdelsalam Abu Elrous
2. Mohammed Hamdane Abu Jabre
3. Tassahil Majdi Al-Hassanat (7 years old) (died from wounds sustained on 23 October 2004)

Monday, 27 December 2004

1. Mohammed Marzouk Ahmed Eidwan
2. Wael Mohammed Jabril Riyyahi

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General Assembly
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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 30 December 2004 from the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the fact that Israel, the occupying Power, continues the unlawful construction of the wall it has been building in the occupied Palestinian territory, including in and around East Jerusalem, and continues to carry out and impose the countless illegal measures comprising the wall's associated regime.

The occupying Power continues to confiscate land, destroy property, including homes, agricultural land and water resources, and to impose severe restrictions on the movement of Palestinian civilians in the areas in which the wall is being built, including by means of its apartheid-like permit system. This expansionist wall is part and parcel of Israel's ongoing attempts to colonize the Palestinian land, as revealed by its simultaneous construction of illegal settlements throughout the occupied Palestinian territory, particularly in East Jerusalem, and clearly aimed at the de facto annexation of large areas of the Palestinian land.

Israel continues to carry out all such illegal policies and practices in this regard in total violation of international law, including the Charter of the United Nations, international humanitarian law and human rights law, and in absolute contempt for the advisory opinion rendered on 9 July 2004 by the International Court of Justice, which concluded that Israel is under an obligation to cease the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto and make reparation for all damage caused by its construction. Moreover, Israel is doing so in blatant disregard for the will of the international community, as overwhelmingly affirmed in General Assembly resolution ES-10/15 of 20 July 2004, which demanded that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion.

04-67038 (E) 311204

The continuation of this unlawful construction is exacerbating the humanitarian crisis being faced by the Palestinian people in the occupied Palestinian territory, increasing their daily suffering and intensifying their hardships. This wall continues to prevent civilians from accessing jobs, schools, hospitals and farmlands, and the consequent impact on the socio-economic conditions of the Palestinian people has been grave. Despite the immense humanitarian assistance being provided by the international community, the Palestinian economy continues to suffer, as unemployment and poverty are rising among the population as a result. In addition, the ever-expanding wall continues to isolate and separate Palestinian cities, towns and villages, completely undermining the territorial contiguity of the territory.

The suffocation of the Palestinian economy and the increased hardships being faced by the Palestinian people as a result of the combined impact of the wall, the settlements and the imposition of restrictions on movement throughout the occupied Palestinian territory were clearly exposed in a report about the specific situation in this regard in Bethlehem issued in December 2004 by the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations Special Coordinator for the Middle East Peace Process, entitled "Costs of Conflict: the Changing Face of Bethlehem". The report succinctly describes the tragedy of Bethlehem as follows: "The glory of Bethlehem, a city of historical and religious importance for those of the Christian, Muslim and Jewish faiths alike, is vanishing."

The report indicates that there are currently 78 physical obstacles, including roadblocks and checkpoints in and around Bethlehem, in addition to 10.4 kilometres of the wall that have already been built and 18 illegal Israeli settlements in the Bethlehem district that have isolated the city and restricted the movement of its inhabitants as well as the entry of others to the city. The ancient link between Bethlehem and Jerusalem, which have traditionally been interdependent holy cities, has also been severed owing to the physical siege that is being imposed on the city. This has detrimentally affected access to the holy places, in violation of the right to worship, as Christian and Muslim worshippers are being restricted or denied access to the Al-Aqsa Mosque and the Church of the Holy Sepulchre in Jerusalem and to Rachel's Tomb, the Bilal Mosque and, of course, the Church of the Nativity in Bethlehem.

This siege has affected all aspects of life for Bethlehem's Palestinian inhabitants. Specifically, the city, which is heavily reliant on tourism, has suffered a steep economic decline as a result of the loss of tourists and pilgrims. As indicated in the report, in 2000, the average number of monthly visitors to Bethlehem was approximately 91,726, which declined to an average of 7,249 visitors in 2004. Moreover, the report states that "since 2000, a total of 28 hotels, 240 olive wood and mother-of-pearl workshops, and 50 restaurants have closed". As a result, the lack of jobs and income in this once-thriving city and the dim economic prospects have caused increased migration, particularly among the Christian population. According to the report, since September 2000, 9.3 per cent of Bethlehem's Christian population has migrated from the city. This wave of migration is altering the demographic composition of Bethlehem and destroying the cultural, ethnic and religious diversity that have traditionally characterized this holy city.

The urgency of this matter cannot be underestimated. It is imperative that the international community take the necessary measures to compel Israel, the occupying Power, to cease all of these illegal policies and practices that are

destroying the social fabric of the Palestinian society, undermining the territorial contiguity of the Palestinian territory and threatening to make physically impossible the implementation of the two-State solution and thus the prospects for a peaceful settlement. In this regard, we stress the importance of the timely establishment of the register of damages by the Secretary-General, as well as the report by Switzerland, in its capacity as depositary of the Geneva Conventions, with regard to measures by the High Contracting Parties to ensure respect by Israel for the Convention, both as part of the implementation of resolution ES-10/15. Israel must be compelled to comply with all of its legal obligations under international law, as mentioned in the advisory opinion and as demanded in countless Security Council and General Assembly resolutions.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2004/1030

Security Council

Distr.: General
31 December 2004

Original: English

Report of the Secretary-General concerning the credentials of the alternate representatives of Argentina on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received letters dated 15 and 30 December 2004 from the Permanent Representative of Argentina to the United Nations stating that Aníbal Gutiérrez, Oscar Feito and Martín García Moritán have been appointed alternate representatives of Argentina on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

04-67093 (E) 040105

United Nations S/2004/1031

Security Council

Distr.: General
30 December 2004

Original: English

Note by the President of the Security Council

Following consultations among the members of the Security Council, it has been agreed that the ad hoc Working Group on Conflict Prevention and Resolution in Africa, initially established on 1 March 2002 (see S/2002/207) for a period of one year, will continue its work until 31 December 2005.

04-67099 (E) 040105

United Nations S/2004/1032

Security Council

Distr.: General
30 December 2004

Original: English

Note by the President of the Security Council

After consultations among the members of the Security Council, it has been agreed that the Security Council Working Group on Peacekeeping Operations, established pursuant to the statement made by the President of the Security Council at the 4270th meeting of the Council, held on 31 January 2001 (S/PRST/2001/3), will continue its work until 31 December 2005.

04-67105 (E) 040105

United Nations S/2004/1033

Security Council

Distr.: General
31 December 2004

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of Greece on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 30 December 2004 from the Permanent Representative of Greece to the United Nations stating that Ms. Anna-Maria-Eleni Boura has been appointed alternate representative of Greece on the Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

05-20006 (E) 040105

United Nations S/2004/1034

Security Council

Distr.: General
31 December 2004

Original: English

Sixteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1565 (2004) of 1 October 2004, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) until 31 March 2005 and requested me to keep it informed regularly of developments in the Democratic Republic of the Congo. The report covers political and military developments since my report of 16 August 2004 (S/2004/650) and reviews progress made in the implementation of the MONUC mandate.

II. Political developments

2. While there has been progress in the implementation of the transitional agenda and the relationship between the components of the Transitional Government has remained stable during the reporting period, the security situation in the eastern Democratic Republic of the Congo has remained highly volatile and a cause of deep concern.

3. In regard to the Transitional Government, the Bukavu crisis of May/June and the Gatumba massacre of 13 August polarized the relationships between the Government components, leading RCD-Goma to temporarily suspend its participation in the transition on 23 August. Following sustained pressure, including from international partners, RCD-Goma rejoined the transition on 1 September and the Transitional Government committed itself to preparing a new road map that would ensure the proper implementation of the Global and All-Inclusive Agreement. The road map has been adopted by the Council of Ministers and is reviewed on a monthly basis. Nevertheless, progress, has remained slow. In this connection, decisions on senior appointments have been difficult, particularly in regard to the further extension of civilian State administration, public enterprises, the diplomatic service and the specialized security services.

* A list of abbreviations used in the present report appears at the end of the document.

05-20021 (E) 050105

4. In regard to the transitional legislative agenda, the Senate has prepared a first draft of the Constitution, which provides for a unitary State with considerable powers devolved to the provinces. However, issues such as the balance of power between the President and the Prime Minister, the electoral system and the minimum age requirement for the presidency have yet to be clarified. The laws on nationality and on the defence and armed forces were promulgated on 12 November. While the law on voter registration has been adopted, it has not yet been promulgated, and the amnesty, decentralization and electoral laws are still under discussion in the Parliament.

5. In regard to elections, there are two major challenges to meeting the June 2005 schedule. The first is the logistic aspects of the elections, given the size of the country and lack of infrastructure. The second relates to the considerable delays in the passage of essential legislation. While the Independent Electoral Commission has yet to prepare a realistic operational timetable, and inform the public of the expected registration and polling dates, it has indicated its intention to launch a voter education campaign to prepare the electorate of some 28 million voters.

6. The Independent Electoral Commission has prepared, with the assistance of MONUC, an electoral budget totalling $285 million, of which $167 million has been pledged by donors. These funds will be channelled through a trust fund managed by the United Nations Development Programme (UNDP). On 2 November, a Steering Committee was established to manage this trust fund, and on 18 November the fund was operationalized with the disbursement by the Netherlands of $8.8 million in electoral assistance. The Commission has also established 8 of its 11 provincial offices and is now in the process of establishing 64 liaison offices and identifying sites for an estimated 9,000 voter registration centres. For its part, MONUC has opened 10 of its 15 field electoral offices.

7. There are high expectations that MONUC will play a significant role in the delivery of, and provision of security for, registration and ballot materials throughout the country, and these costs were not included in the Independent Electoral Commission's electoral budget. MONUC and the Commission are therefore taking steps to develop a realistic electoral logistics plan in order to clearly delineate tasks and to seek donor support for their implementation.

Regional relations

8. Following protracted mediation, on 22 September the Foreign Ministers of the Democratic Republic of the Congo and Rwanda signed the terms of reference for the Joint Verification Mechanism, which provides a framework for the parties to address jointly cross-border issues of mutual concern, including the remaining ex-FAR/Interahamwe in the country. The Joint Verification Mechanism is composed of the Joint Verification Commission, which serves as a policy-making and review body, and Joint Verification Teams of technical experts from the parties, MONUC and the African Union. On 5 October the first meeting of the Joint Verification Commission took place in Kigali, and on 29 November the parties officially endorsed the concept of operations for the Joint Verification Teams and provided MONUC with the names of their representatives to the teams.

9. Separately, on 26 October, the Democratic Republic of the Congo, Rwanda and Uganda signed an agreement brokered by the Government of the United States

of America on regional security, with a view to strengthening trilateral relations and enhancing efforts to prevent the use of their territories by foreign combatants. Under the agreement, the parties recommitted themselves to ensuring the disarmament, demobilization and repatriation of foreign armed groups within 12 months of the date of its signature and established a Tripartite Joint Commission. The first meeting of the Commission, scheduled to take place on 10 December in Kigali, was cancelled due to the absence of the Democratic Republic of the Congo delegation.

10. On 19 and 20 November, the first summit of heads of State and Government of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region took place in Dar es Salaam. The leaders of 11 African States, including the Democratic Republic of the Congo, Rwanda and Uganda, declared their collective determination to create sustainable peace and security for the States and people of the Great Lakes region. Towards this end, guiding principles were established in the areas of peace and security; democracy and good governance; economic development and regional integration; and humanitarian and social issues. An inter-ministerial committee is to be established to elaborate specific programmes and implementation mechanisms with a view to translating the Dar es Salaam principles into concrete action. These programmes of action are to be adopted at a second summit of heads of State and Government of the International Conference, to be held in 2005.

III. Security situation

Ituri

11. While security in Ituri had improved earlier this year, the situation deteriorated sharply during the reporting period. Between 1 September and 15 December, the MONUC Ituri brigade sustained some 40 incidents of direct fire from armed militias in various locations. On 20 September, 300 armed militias, believed to belong to FRPI, attacked the village of Lengabu, killing 14 civilians and burning over 90 houses. The Bunia Public Prosecutor has begun judicial proceedings against some of the assailants, and the Office for the Coordination of Humanitarian Affairs and other humanitarian partners have provided assistance to the local population. In early December, MONUC took control of Ndrele and Mahagi from FAPC militias, which had been abusing local civilians and preventing children from entering the disarmament process. In the following days, over 80 combatants enrolled in the disarmament programme and the human rights situation in the area improved considerably.

12. With the assistance of MONUC and UNDP, on 1 September the Transitional Government commenced a programme of disarmament and community reintegration for an estimated 15,000 eligible militia members. However, the implementation of the programme has been hindered by the reluctance of militia leaders, particularly those of UPC and FAPC, to allow their soldiers to disarm, and by the Transitional Government's failure to fulfil its pledge to integrate some of the militia leaders into the national army. In this connection, by mid-December only 1,506 former combatants, including 724 male and 169 female children, had registered for the programme.

13. In August and September the Transitional Government deployed to Ituri three FARDC battalions that had been trained with the assistance of the Government of Belgium. These units assist in the provision of security, including at the disarmament and community reintegration transit centres. While FARDC has faced logistical constraints since its deployment, necessary equipment donated by Belgium has begun to arrive in Bunia, thus improving its operational capacity. The brigade has been well received by the local population as a symbol of the extension of State authority.

Katanga and Kasai

14. On 13 and 14 October, a group of six armed men belonging to the so-called Revolutionary Movement for the Liberation of Katanga briefly captured the town of Kilwa, 50 kms from the Zambian border, with the stated intention of seeking the "independence of Katanga". The occupation of Kilwa resulted in the displacement of its population, which reportedly fled in fear of reprisals by FARDC. On 15 October, FARDC re-established control over the town. A MONUC investigation suggested that during the attack and its immediate aftermath, FARDC elements were responsible for the indiscriminate killing of over 70 persons. The Transitional Government has yet to respond to the MONUC request to open an independent and transparent investigation into these killings.

15. Between 20 and 25 September, violence broke out in Mbuji-Mayi, the capital of Kasai Oriental province, when mine workers and other elements of the population attacked street children and adults associated with them, accusing them of creating a climate of insecurity. The violence resulted in the death of some 18 street children and youths. A MONUC investigation into these events highlighted the failure of the local authorities to prevent the violence and to provide protection programmes for street children.

The Kivus

16. The reporting period witnessed a dangerous increase in tensions between the political and military factions in the Kivus. Reports were received of regular clashes between Mayi-Mayi and ex-RCD-Goma, as well as between FDLR and ex-RCD-Goma, particularly in and around Masisi, Walikale, Gungu and Rutshuru. In South Kivu, the attempt of Banyamulenge refugees to return from Burundi led to violent demonstrations and an increase in ethnic tensions, particularly in Uvira and the Ruzizi Plain.

17. Security along the border with Rwanda in both Kivus seriously deteriorated in November and December, with Rwandan accusations of FDLR attacks on Rwanda and Democratic Republic of the Congo accusations of Rwandan troop presence in the Democratic Republic of the Congo. In a meeting with the mission of the Security Council in Kigali on 21 November, President Kagame reported that on 15 November the ex-FAR/Interahamwe had shelled two Rwandan border villages, 25 kms north-east of Gisenyi. On 23 November the Special Envoy of Rwanda to the Great Lakes Region informed some embassies in Kigali of his Government's intention to conduct a "surgical strike" against FDLR on Congolese soil. These threats were followed by reports of a build-up of Rwandan troops on Rwanda's

border with the Democratic Republic of the Congo and exacerbated tensions between the eighth (North Kivu) and the tenth (South Kivu) military regions, as well as between local communities in the Kivus.

18. On 29 November the Transitional Government submitted an official complaint to the Joint Verification Mechanism, alleging the presence of thousands of Rwandan troops in the Kivus since January 2004. On 14 December, a Joint Verification Team visited the area of Tongo to verify the presence of Rwandan forces. While the team was unable to confirm such a presence, it received reports from the local population of ex-FAR/Interahamwe activities in the area. Another Joint Verification Team investigation, scheduled to take place on 15 December, was cancelled due to the security concerns cited by its Rwandan members.

19. Fighting unintentionally broke out between Congolese elements in North Kivu on 12 December, when FARDC units composed mainly of ex-RCD-Kisangani/ML combatants, while being redeployed southward from Beni towards Goma, came into contact with mainly Rwandaphone ex-RCD-Goma units at Kanyabayonga, a strategic border point. While it is unclear which side initiated the hostilities, on 15 December MONUC was able to confirm that ex-RCD-Goma forces were in control of the town and that most of its inhabitants had sought refuge in nearby areas. Skirmishes between the groups continued. On 20 December, North Kivu Governor Serufuli and the newly appointed commander of the North Kivu military region travelled towards Kanyabayonga and managed to secure an initial ceasefire between dissident ex-RCD-Goma commanders and FARDC.

20. In the days following the initial clashes, the Transitional Government took a number of steps to lessen tensions. These included the appointment of the new commander of the North Kivu military region and the dispatch on 17 December of a 51-member Transitional Government delegation, representing the different components, to help with mediation efforts. This grouping stayed in Goma for five days, meeting with all the actors involved in the crisis. On 21 December, the International Committee in Support of the Transition (CIAT), accompanied by the Special Representative of the Secretary-General, also visited Goma.

21. The Government of Rwanda, separately, also made some efforts to improve bilateral relations with the Democratic Republic of the Congo. On 19 December, Foreign Minister Murigande informed the diplomatic community in Kigali that his Government was withdrawing its "threat" to send troops into the Democratic Republic of the Congo, noting that it would trust the international community to address the matter of the remaining ex-FAR/Interahamwe on Congolese territory, which it continued to insist threatened the security of its country.

22. On 21 December, MONUC reinforced its military presence in the Lubero area in support of the ceasefire and established a 10-kilometre-wide security zone in the Kanyabayonga/Lubero area to protect the civilian population and ensure access for the distribution of humanitarian assistance.

Disarmament, demobilization, repatriation, resettlement and reintegration activities

23. To date more than 11,300 foreign combatants and their dependants have been repatriated to Burundi, Rwanda and Uganda. Although MONUC continues to meet

with representatives of foreign armed groups to persuade them to disarm and return to their countries of origin, the repatriation rate has decreased considerably since April 2004, due to heightened tensions in the Kivus. In this connection, the Transitional Government has reiterated its readiness to address the problem, and on 8 December, the Conseil supérieur de la défense declared its willingness to use force should persuasion prove to be insufficient. In the meantime, three FARDC brigades were deployed to South Kivu, including troops brought in from other parts of the Democratic Republic of the Congo, to conduct operations to disarm and repatriate FDLR. MONUC and FARDC have agreed to establish combined operations centres and engage in joint planning to support these operations.

24. The first such operation, which was carried out in the vicinity of Walungu, near Bukavu, on 8 November, proceeded well in its initial days and put considerable pressure on FDLR. However, due to command and control problems and logistic shortfalls, some FARDC elements have reportedly resorted to attempts at collusion with the FDLR elements. The ability of FARDC to sustain such operations is therefore questionable until it is provided with the necessary logistic and other support, including salaries. MONUC is working with the Government and donors to address these problems.

25. Although no precise timetable has been set, FARDC intends to take a more proactive and forceful stance with regard to FDLR, which MONUC would support. In this connection, the Transitional Government has announced plans to train up to four brigades, which are to be deployed into the Kivus over the coming months. The purpose of these actions would be to establish more conducive conditions that would enable rank-and-file combatants and their dependants to enter the disarmament, demobilization, repatriation, resettlement and reintegration programme on a voluntary basis by disrupting FDLR command and control, communications and logistics.

Defence sector reform

26. A number of bilateral donors are providing technical assistance for the reform and integration of the armed forces of the Democratic Republic of the Congo, including Angola, Belgium, France and South Africa. The recent agreement concluded between the Democratic Republic of the Congo, South Africa and Belgium on 13 December in Kinshasa, on the modalities for the implementation of a joint Belgian and South African training project for FARDC, is an important step forward in harmonizing the coordination of these efforts. However, while these countries are willing to provide technical expertise in planning and training, no bilateral partner has so far come forward to provide the much-needed financing for material support.

27. In this connection, there has been little concrete progress on military integration and reform since the submission of my last report, on 16 August 2004 (S/2004/650). As a consequence, parallel chains of command persist and military units are under-resourced and cannot sustain long-term operations. In the absence of concrete progress in defence-sector reform, disarmament, demobilization and reintegration, while officially launched at the end of June 2004, has yet to be implemented.

28. Under the national disarmament, demobilization and reintegration programme, 25 *centres d'orientation* and 16 *centres de brassage* for the integration of the army are to be established at different locations throughout the country. A *plan d'urgence* has been developed by which six *centres de brassage* and 12 *centres d'orientation* are to be opened to allow for the integration of six brigades by mid-June 2005, and thus prior to elections. To implement these plans and ensure the functioning of the six *centres de brassage*, various budget proposals have been submitted to the Government and donors, totalling up to $29 million. While there are no prospective donors to fund the whole amount, the Netherlands has indicated its willingness to withdraw $5 million from the World Bank-led Multi-Country Demobilization and Reintegration Programme to start the process. In addition, South Africa is considering the possibility of training engineering contingents to refurbish the *centres de brassage*.

IV. Implementation of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo

29. In its resolution 1565 (2004) of 1 October 2004, the Security Council endorsed the political path foreseen in my report of 16 August 2004 (S/2004/650), which recommended that the MONUC mandate be focused on the key issues to enable the holding of free and fair elections in 2005. However, the Council authorized less than half the proposed increase in troop strength, posing a significant challenge for the implementation of the MONUC mandate. In this connection, under paragraph 8 of resolution 1565 (2004), the Security Council requested the Secretary-General to report to it on reforms necessary to improve the structures of command and control and the management of military information within MONUC and to rationalize the civilian and police components of the Mission. Accordingly, a joint MONUC/Department of Peacekeeping Operations mission led by the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General reviewed the implementation of the mandate and made a number of recommendations, as discussed below.

Political-military concept

30. The overall goal of MONUC in the Democratic Republic of the Congo is the holding of credible elections followed by a stable and sustainable peace. To this end, MONUC will continue to support the full and fair implementation of the peace agreement and mobilize the leverage necessary to encourage the ex-belligerents to accept a post-transitional political dispensation that offers prospects of security, democratic reform and good governance. These objectives would be achieved through two parallel approaches: (a) MONUC will seek to lay the foundations for a stable post-transition period by helping the Goverament to draft essential legislation and hold credible elections and (b) MONUC, in close cooperation with CIAT, will seek to create concrete leverage through effective information collection and analysis that can lead to internationally sanctioned actions aimed at neutralizing spoilers. The success of these approaches will depend on MONUC and the wider international community working in tandem to achieve common objectives.

31. In supporting the political strategy of MONUC, the role of the military component can be articulated around four key strategic objectives: (a) proactively contributing to the pacification and general improvement of security in the country (disarmament, demobilization and reintegration; army integration; and disarmament, demobilization, repatriation, resettlement and reintegration); (b) providing support for conflict resolution in politically volatile areas (crisis management); (c) improving border security through regional confidence-building mechanisms, such as the Joint Verification Mechanism, and effective patrolling and monitoring of the arms embargo; and (d) gathering and analysing military and other information on spoilers. In addition, two other MONUC activities can be honed to support this political-military strategy: (a) effective and efficient integrated information collection and analysis through the joint mission analysis cell and (b) use of the Mission's public information system to broadcast objective information and the key objectives and successes of MONUC.

32. MONUC will also continue to advocate addressing the need for long-term institutional reform of the security and justice sectors, necessary to realize a State based on the rule of law. Prior to elections, MONUC will concentrate on army integration and disarmament, the provision of police advisory services and the preparation of training programmes that could be undertaken once the Transitional Government is ready to move forward in this regard. In addition, MONUC will continue to assist in the coordination and facilitation of international support necessary to address the long-term needs of rule-of-law institutions in the Democratic Republic of the Congo.

Disarmament, demobilization, repatriation, resettlement and reintegration concept of operations

33. The Rwandan armed-group presence in the eastern Democratic Republic of the Congo is both a threat to the security of the Rwandan population in border areas and the local civilian Congolese population and a long-term irritant in relations between the Democratic Republic of the Congo and Rwanda. It also exacerbates the strained relations among various ethnic groups and armed elements in the Kivus. MONUC has now adjusted its disarmament, demobilization, repatriation, resettlement and reintegration and military concepts of operations to conform to this assessment and to the actions taken by the Democratic Republic of the Congo Government to address the armed-group problem, as described in paragraphs 16 to 25 above. If FARDC eventually proceeded to disarm FDLR combatants by force, MONUC would then repatriate those who wished to return to their countries of origin. Those who still did not wish to return would be dealt with on a bilateral basis by the Governments of the Democratic Republic of the Congo and Rwanda and, as appropriate, the International Criminal Tribunal for Rwanda.

34. Despite the renewed vigour of the Transitional Government in regard to disarming the ex-FAR/Interahamwe, including by force if necessary, some Congolese and Member States continue to call on MONUC to forcibly disarm the foreign armed groups. The Governments concerned must jointly address the future of these illegal elements, including their forcible disarmament, extradition and submission to the International Criminal Tribunal for Rwanda in accordance with existing mechanisms. MONUC, with its increased presence in the Kivus, will

proactively support the FARDC in disarming FDLR and, in this connection, will use force to protect civilians.

Joint commissions

35. In its resolution 1565 (2004), the Security Council mandated MONUC to establish three joint commissions with a view to assisting the Transitional Government in security-sector reform, essential legislation and elections. In regard to elections, the existing framework, the Electoral Technical Committee, would remain the main body of the envisaged joint commission. The Technical Committee, which was established in October 2003, consists of representatives of MONUC and of the Independent Electoral Commission and experts provided by the international community. During the reporting period, the Technical Committee assisted the International Electoral Commission with the preparation of the draft law on voter registration, the preparation of an operational framework for the holding of elections and the draft law on nationality. At the same time, the Technical Committee continues to provide regular assistance to the Independent Electoral Commission on managerial, logistical and financial issues. The work of the Technical Committee is supported by a Steering Committee, which essentially manages, in collaboration with UNDP, the "basket fund" for elections.

36. The National Assembly and Senate have agreed on the establishment of the Joint Commission on Essential Legislation, to be chaired by MONUC. On 7 November MONUC convened a meeting of interested donors to discuss its terms of reference. The Commission will provide advice on the elaboration and implementation of key legislation, including the Constitution and the laws on nationality, voter registration, referendums, decentralization and elections. It is widely acknowledged that the Commission would benefit from the participation, assistance and political support of key Member States.

37. The Joint Commission on Security Sector Reform, which comprises representatives of Angola, Belgium, France, the Netherlands, South Africa, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union, as well as MONUC, will coordinate and supplement existing assistance in support of the integration and reform of the Congolese police, armed forces and security institutions. Specifically, the Commission will develop a plan for the integration and reform of the armed forces, provide technical advice and coordinate donor assistance in support of security-sector reform. MONUC has invited Member States to support the work of the Commission through the provision of technical assistance and expertise. Taken together, these measures, should provide a much-needed catalyst for the security-sector reform process.

Revised military concept of operations

38. In its resolution 1565 (2004), the Security Council authorized an increase in the strength of MONUC by an additional 5,900 personnel, including up to 341 civilian police personnel, which is some 7,200 fewer than I recommended in my third special report on MONUC (S/2004/650). In this connection, the Department of Peacekeeping Operations and MONUC have adjusted the Mission's military concept

of operations to reflect the tasks set out by the Security Council in paragraphs 4 and 5 of resolution 1565 (2004).

39. Ituri and the Kivus continue to be the most insecure areas of the Democratic Republic of the Congo, while the situation in other areas, such as Katanga, the Kasais and Kinshasa, remains unpredictable and potentially volatile. Hence, the military deployment of MONUC will be concentrated in the east, while a degree of readiness will be maintained to address threats in other areas within its available resources. In addition to the Ituri brigade, one of the two new brigades (Pakistani) will be deployed in South Kivu, with its headquarters in Bukavu, and the other (Indian) will be deployed in North Kivu, with its headquarters in Goma. These three brigades will constitute the Eastern Division, which will be commanded from a divisional headquarters in Kisangani. The Division will also include a reserve battalion (South African) of 850 personnel, comprising four companies, with two companies ready to move at quick notice and two that will be deployed for operations in areas of the eastern Democratic Republic of the Congo, where there will be no permanent military presence, and will be ready to move at short notice.

40. The creation of the divisional headquarters has been necessitated by the increased span of command. To this end, the rank of the Force Commander will be raised to Lieutenant General, and the rank of the Division Commander will be Major General. While the Force Commander will retain overall strategic command of all the military components of MONUC, the Division Commander will be assigned operational and tactical control of the forces within his area of operation. MONUC military observers will be commanded and tasked by the brigade headquarters under whose areas of operation they operate.

41. In Kinshasa, some 900 military personnel continue to serve as the "neutral force", contributing to the multi-layer security system to protect the Transitional Government and its leaders. An additional battalion (Uruguayan) will be deployed to Kinshasa to complement these troops and will serve as the force reserve. Elements of the force reserve will remain prepared to move at quick notice while at the same time carrying out security tasks related to Kinshasa. The neutral force, the force reserve and a gendarmerie unit will be under the command of the force headquarters in Kinshasa.

42. The tasks of the neutral force will be taken over gradually by the Congolese Integrated Police Unit after it completes its training provided by the European Union, in the spring of 2005. Thereafter, as elections approach, the troops of the neutral force will reinforce its positions at MONUC installations and facilities, maintain open axes to the MONUC air terminal and conduct other security-related tasks in Kinshasa.

43. In order to implement the new military concept of operations, the three battalions in Ituri will each be reduced to a troop strength of 850, consistent with other infantry battalions in MONUC. The South African battalion and the Uruguayan battalion, which will act as the division and force reserves, respectively, will also each be reduced to 850 personnel. In addition, the personnel of the present MONUC force headquarters will be reduced by approximately one third, as the majority of the operational responsibilities will be devolved to the divisional headquarters. The force headquarters personnel will be further reduced when military staff officers in the Integrated Support Services are replaced by civilians.

Joint mission analysis

44. While MONUC has access to a significant amount of detailed information, it does not have a mechanism in place to collect and analyse such information according to a strategic plan in support of the Mission's overall objectives and the needs of its senior command personnel. In this connection, its Operations Centre, functioning 24 hours a day, seven days a week, which is currently led by the military, will be strengthened by civilian staff in order to ensure continuity and an understanding of the political elements of the Mission. When needed, the Operations Centre evolves into the core of a Crisis Action Centre, with an expanded civilian membership of political, humanitarian and administrative personnel. MONUC has also created a joint mission analysis cell to enhance its capacities for information collection, analysis and policy harmonization. Its core team comprises political affairs and military staff, working under the guidance of a senior supervision group.

Cooperation of the United Nations Organization Mission in the Democratic Republic of the Congo with the United Nations Operation in Burundi

45. MONUC and the United Nations Operation in Burundi have established formal channels of communication to share information and collaborate on issues of common concern. The missions conduct concurrent operations, such as those related to the movement of Congolese refugees from Burundi to the Democratic Republic of the Congo in September and October, and provide logistic support within their capabilities to each other's activities. Information is shared regularly through the respective Operations Centres, and joint senior staff and local-level coordination meetings are held on a regular basis. Moreover, the missions have established interdepartmental political, human rights, child protection and humanitarian contacts, and their joint mission analysis cells will soon begin to produce joint analyses.

Civilian police activities and deployment

46. In August a national police seminar was held in Kinshasa, with the participation of the Transitional Government, MONUC and interested donors, to assist the transitional authorities in developing a comprehensive plan for the reform and training of the national police. While a committee was established to follow up on the recommendations of the seminar, the Transitional Government designated its representatives to that committee only on 16 December 2004.

47. In the meantime, bilateral assistance for the training of police has progressed. The Government of France continued its training programme for the Rapid Intervention Police. The European Union has started its training and equipping of the Integrated Police Unit. South Africa is also providing police training assistance, with emphasis on building capacity at the intermediary command level of the Congolese police.

Civilian police concept of operations

48. In the absence of follow-up action on the preparation of an overall police reform plan, the Transitional Government has not been in a position to take advantage of the assistance, proposed in my last report, for MONUC to train up to 6,000 national police in the period leading to elections. In this connection, the Department of Peacekeeping Operations/MONUC joint review mission determined that the most effective support that MONUC could provide at this stage for police reform would be advice and advocacy at the national and the provincial level, while at the same time maintaining preparedness to provide training assistance for overall police reform when the Government is ready.

49. In the light of the foregoing, MONUC advisory assistance would focus on senior level awareness-building in democratic policing through seminars, workshops and other advocacy initiatives; support for the development and implementation of training initiatives; co-location of MONUC police advisers at national and provincial police headquarters; planning advice on the role of police during the elections and support in the implementation of such plans; and coordination of international support for capacity-building, including training and logistical support. At the same time, MONUC will continue to engage in discussions with the Government and donors with a view to providing planning and training assistance for overall police reform once the Transitional Government is ready to move forward in this regard. Pending further review, the currently deployed 182 MONUC civilian police officers are considered to be sufficient to carry out the above-mentioned activities.

Revised logistic concept

50. Providing logistical support to units operating in an area of over 2 million square kilometres in a very demanding physical and climatic environment has been a considerable challenge for MONUC, but one that has been met with notable success. With the induction of an additional 5,900 troops and the establishment of a division brigade headquarters in Kisangani, MONUC is reconfiguring its administrative organization with a view to increasing the efficiency of its logistic support. This will be based on the decentralization of financial accountability, of operational planning and of resource allocation and support, which will allow for greater flexibility and real-time responsiveness to the operational and tactical activities of the Mission's components, in particular its military operations.

51. At the managerial level, MONUC will co-locate a Deputy Director of Administration with the division headquarters in Kisangani, with required delegation of authority for operational planning, support and committing financial and material resources. The Mission will also delegate a greater degree of financial and operational authority to its regional administrative offices in Bunia, Bukavu, Goma and Kinshasa.

V. Human rights and child protection

Human rights

52. During the period under review, the human rights situation in the Democratic Republic of the Congo has not improved. Attempts to address the issue of impunity — such as the reopening, before a military court, of the Ankoro trial, concerning crimes against humanity committed in November 2002 — have not been matched by a real commitment from the Transitional Government to stop, prevent or even condemn continued human rights violations. In this connection, the Ministry for Human Rights has thus far been frustrated in its attempts to seek justice for the victims of the events that unfolded in the villages of Songo Mboyo and Bongandanga (Equateur province) on 21 December 2003, when a FARDC battalion reportedly raped more than 100 women and children.

53. The National Human Rights Observatory and the Truth and Reconciliation Commission, mandated under the Global and All-Inclusive Agreement, are not fully established. The appointment of the 13 additional members to the Truth and Reconciliation Commission was marred by irregularities that affected its independence as an institution. Moreover, there has been little effort to strengthen the justice system and to improve the basic health conditions of prisons and other detention centres, where the majority of inmates are not fed and receive no medical care.

54. The population of Ituri continues to be subjected to killings and widespread violence, especially of a sexual nature, at the hands of virtually all the militias operating in the region. The territories of Mahagi and Kpandroma appear to have been particularly targeted. On Lake Albert, FRPI and, to a lesser extent, UPC are responsible for acts of piracy against local fishermen, who are often abducted and kept in slavery, when not killed. In that area, women are equally affected by slavery. Against that background, MONUC continues to support the action of the Ituri judiciary, whose magistrates continue to investigate, prosecute and try perpetrators of serious crimes despite being the targets of continued threats. In this connection, MONUC has expressed concern at the Transitional Government's inaction with regard to holding Thomas Lubanga accountable for the human rights abuses conducted by his UPC, which has been recognized as a political party, despite its continued abduction of innocent civilians, as well as its abduction of a MONUC military officer in September.

55. Abuses also continue to be committed in the Kivus, Maniema, Katanga and Orientale province by both FARDC and various militias. Sexual violence is rife, and returning Banyamulenge and other refugees have been arbitrarily arrested and detained. Abuses against the local population by the Presidential Guard have been reported in Kindu, Kisangani, Lubumbashi and Kinshasa.

56. In the run-up to elections, MONUC has established a database of civil rights violations as a monitoring tool. It has also organized seminars, workshops and training sessions to sensitize the Congolese population and authorities on human rights issues, including training sessions on rape and sexual violence in Goma and Lubumbashi, on the administration of justice in Kalemie and on the participation of women in the forthcoming elections in Goma and Kisangani.

Child protection

57. At the national level, MONUC continues to facilitate the participation of national and provincial officials in workshops on child protection and to visit detention facilities. Together with child protection partners, MONUC is also working with the Parliament and relevant Government ministries to encourage the establishment of a child-protection legal framework, including constitutional and legislative provisions that would address child rights and support programmes for vulnerable children.

58. Resistance by some military commanders to releasing children from armed groups, and re-recruitment in some areas, continues in spite of continued advocacy and the establishment of structures for the reintegration of demobilized children. Despite these obstacles, more than 3,000 children have been disarmed and demobilized since October 2003.

VI. Humanitarian situation

59. The humanitarian situation remained precarious during the reporting period, especially in the Kivus, where the repercussions of the 13 August massacre of 152 Banyamulenge refugees at the Gatumba transit centre in Burundi continued to reverberate. In mid-September, some 366 refugees were stuck in the no-man's land between the borders of Burundi and the Democratic Republic of the Congo for three days, after the South Kivu authorities closed the Democratic Republic of the Congo entry point. With the intervention of a high-level Government delegation, led by the Vice-Minister of the Interior, on 26 September they were allowed to enter the Democratic Republic of the Congo and were moved to a transit camp in Uvira. During the transfer process, however, the group was met by violent demonstrations from the local population. MONUC and FARDC protected the returnees and facilitated humanitarian assistance by the Office of the United Nations High Commissioner for Refugees (UNHCR) and others at the transit centre. All the refugees were resettled by 5 October.

60. A similar incident occurred between 7 and 11 October, when another group of some 1,600 Banyamulenge refugees from Burundi was once again refused entry into the Democratic Republic of the Congo. With the assistance of the same high-level Government delegation, the refugees were repatriated on 11 October. On the basis of lessons learned from these experiences, the Transitional Government, with the support of United Nations agencies and non-governmental organizations, has commenced a process of coordinated planning for the return and resettlement of refugees and internally displaced persons. Elsewhere in the country, UNHCR has started the repatriation of 3,000 Congolese refugees from the Central African Republic, and plans to repatriate 58,000 Congolese refugees from the Congo.

61. The tensions in the eastern Democratic Republic of the Congo also triggered a number of population movements within the country during the reporting period. In mid-September, an estimated 10,000 people fled the area around Nyabibwe in South Kivu, and in early October more than 4,500 people were displaced in the area of Manguredjipa in North Kivu. In the aftermath of clashes between FARDC troops and elements belonging to the ex-RCD-Goma in Kanyabayonga and other locations

in mid-December, additional large numbers of internally displaced persons have been reported.

62. On 11 November, the 2005 consolidated appeal for the Democratic Republic of the Congo was launched. The appeal reflects some $185 million in projects to provide immediate life-saving assistance, reduce the vulnerability of the population and support the transition to development.

VII. Public information

63. During the reporting period, MONUC reinforced its community-outreach activities. It disseminated over 100,000 posters and 20,000 magazines promoting national reconciliation, donated 65,000 notebooks to school children across the Democratic Republic of the Congo and carried out information campaigns explaining its role and mandate. MONUC has also established an action plan for civic education during the electoral period, using radio broadcasts and monthly newsletters in national languages.

64. Since 17 September, Radio Okapi has increased its broadcast capacity by introducing a live, Internet-based broadcasting service and new programmes and magazines addressing political, social, economic, women's and youth issues. In early November, MONUC deployed a mobile radio in North Kivu in support of disarmament, demobilization, repatriation, resettlement and reintegration operations. It also produced a documentary on the Bukavu crisis of May/June 2004, co-produced with an international partner a film on sexual violence in the Democratic Republic of the Congo and produced a video to help sensitize Mission personnel on its code of conduct and zero-tolerance policy towards sexual abuse.

VIII. Conduct of personnel of the United Nations Organization Mission in the Democratic Republic of the Congo

65. MONUC and the United Nations Secretariat continue to follow up vigorously on allegations of sexual exploitation and abuse. Between June and September 2004, an Office of Internal Oversight Services investigation into sexual misconduct in Bunia revealed that 8 of some 72 allegations could be corroborated. The majority of these allegations pertain to soliciting the services of prostitutes, which is a violation of the code of conduct. All of these cases are being followed up to ensure that the proper disciplinary action is taken.

66. In November, a Department of Peacekeeping Operations/Office of Human Resources Management team was dispatched to MONUC to look into specific allegations made against several civilian personnel in other areas of the Mission, who had earlier been suspended pending further investigations. The team is currently finalizing its report. In the meantime, the first elements of a larger team, headed by the Assistant Secretary-General for General Assembly and Conference Management, Angela Kane, have been deployed to the country. The team, which includes highly specialized civilian police investigators, will address outstanding allegations against military and civilian personnel in MONUC. At the same time, MONUC and other United Nations partners are developing measures to provide

immediate medical and psychosocial assistance to the victims of any abuses, while MONUC continues to implement a strong awareness campaign in the Mission.

67. As a result of these actions, a number of staff have been placed on suspension, pending the completion of investigations. In addition, an international civilian staff member was removed from the Mission in late October and is facing judicial hearings in his home country on charges of rape, sexual aggression, corruption of female minors and possession of pornographic pictures of female minors.

68. As a consequence of these deplorable events, an interdepartmental task force has been established at United Nations Headquarters to coordinate actions and responses to allegations of sexual exploitation and abuse against peacekeeping personnel and to address prevention, advocacy and long-term policy issues. I have made it clear that my attitude to sexual exploitation and abuse is one of zero tolerance, without exception, and I am determined to implement this policy in the most transparent manner. With this in mind, in July I requested the Permanent Representative of Jordan, Prince Zeid Ra'ad Zeid Al-Hussein, to serve as my Adviser in addressing sexual exploitation and abuse committed by all categories of personnel in peacekeeping contexts. He visited the Democratic Republic of the Congo in October to gain a first-hand understanding of the nature of the problem and will continue to assist me in developing a comprehensive strategy to prevent and respond to exploitation and abuse not only in MONUC, but in all peacekeeping operations around the world.

IX. Financial aspects

69. The General Assembly, by its resolution 58/259 B of 18 June 2004, appropriated $709,123,200 for MONUC for the financial period from 1 July 2004 to 30 June 2005. Resources approved by the Assembly for the Mission provide for its maintenance based on the concept of operations and authorized troop and civilian police strength approved by the Security Council in its resolution 1493 (2003) of 28 July 2003. Additional resource requirements of the Mission arising from the Council's decision in its resolution 1565 (2004) to increase the authorized strength of MONUC by 5,900 personnel will be submitted to the Assembly during the first part of its resumed fifty-ninth session, in early 2005. As at 30 November 2004, unpaid assessed contributions to the MONUC special account amounted to $374.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,382.4 million.

70. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $0.9 million. With regard to the trust fund to support the Ituri Pacification Commission, established in July 2003, expenditure against voluntary contributions of $0.35 million amounted to $0.32 million.

X. Observations

71. While the transitional process in the Democratic Republic of the Congo is steadily, albeit slowly, progressing towards elections, serious challenges remain.

The security situation in the east and the inherent difficulties of governance associated with the presence of a coalition of former belligerents are compounded by the devastating effects of war on the social fabric and physical infrastructure of the country. At this time, the parties must turn their full attention towards real power-sharing and overcoming the mistrust that continues to impede the establishment of a truly unified country. The Congolese parties also must take the steps necessary to assure the population that the elections will be conducted in a transparent manner and in an environment free of political violence. In this connection, I call on the parties to ensure that the forthcoming debate on the Constitution and electoral laws results in a system of governance that guarantees inclusiveness and broad participation.

72. The human rights situation in the Democratic Republic of the Congo remains deeply disturbing. In Ituri, the inaction of the Transitional Government with regard to addressing the status of Thomas Lubanga, whose UPC was responsible for kidnapping a MONUC soldier and which routinely issues death threats against MONUC and associated personnel, and the reports of FARDC soldiers having engaged in human rights abuses are unacceptable. In this connection, I urge the Transitional Government to send a strong public message to all concerned that it will hold them accountable for human rights violations.

73. Although there has been some visible progress with regard to the extension of State authority, transparent and legitimate local governance has yet to take root in many areas. This process has been hindered by the lack of infrastructure, the irregular payment of salaries of civil servants and the illegal exploitation of natural resources. In this connection, I urge the Transitional Government to ensure that the economic and natural resources of the Democratic Republic of the Congo are utilized in such a way as to benefit all of the Congolese people.

74. The difficulties encountered in the reform of the security sector remain daunting, due not only to the challenge of building trust and cohesion between the parties, but also to the need for the international community to find a means of effectively assisting security-sector reform in a post-conflict society. In this connection, I welcome the efforts of the European Community and bilateral donors to put in place a means of providing the financial and material support required for the integration and reform of the military. I am also heartened by the recent progress towards a more coordinated international approach in supporting the overall transitional process. In addition, thanks to the good work achieved by CIAT, the Joint Commissions on Essential Legislation, Elections and Security Sector Reform have now been established. These Commissions will assist in targeting international technical and financial assistance on the key aspects of the transitional process that are necessary for the holding of elections and the establishment of a stable society.

75. Unfortunately, the neighbours of the Democratic Republic of the Congo have yet to provide the full support necessary for the Government to take the action required to establish peaceful conditions in the east. The Tripartite Agreement brokered by the United States of America and the signing of the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region on 20 November by 11 heads of State of the region were significant steps forward. Yet the recent statements of Rwanda in regard to the possible unilateral deployment of its troops into the Democratic Republic of the Congo to disarm ex-FAR/Interahamwe elements have had a negative impact on the security situation

in the east. I understand fully Rwanda's concern over remaining genocidal elements across its border, and I welcome its recent statement that it will work with the Transitional Government and MONUC as they step up their capacities to address this issue once and for all. In this connection, I appeal to the Governments of Rwanda and the Democratic Republic of the Congo to cooperate fully within the Joint Verification Mechanism. Rwanda can only benefit from the well-coordinated and peaceful extension of the authority of the Transitional Government of the Democratic Republic of the Congo throughout its territory. In the spirit of reconciliation, I urge full cooperation between these Governments to ensure that peace is restored to the eastern Democratic Republic of the Congo. I also call on Uganda to play a positive role in assisting the Transitional Government in extending its authority throughout Ituri.

76. I am grateful to the Security Council for its decision to provide a partial increase in the strength of MONUC, by an additional 5,900 personnel. These personnel have already started to deploy and will play a key role in stabilizing the Kivus and in supporting the disarmament of foreign armed combatants. The military and other structural reforms now being implemented by MONUC will ensure that the most effective use is made of these assets. However, I remain concerned that as the electoral campaign process gears up, violence will erupt in other inherently unstable areas of the country. I therefore intend to revert to the Security Council in my next report with further recommendations in this regard.

77. I commend the work of the thousands of men and women of MONUC and the United Nations agencies and programmes who have dedicated themselves, often putting their lives at risk, to help the Congolese people restore peace in their country. Their good work and reputations have been put to the test by some individuals who have engaged in the sexual exploitation of vulnerable women and girls in the Democratic Republic of the Congo. In this connection, I am afraid there is clear evidence that acts of gross misconduct have taken place. This is a shameful thing for the United Nations to have to say, and I am outraged by it. My Special Representative and I are committed to ensuring that all United Nations personnel in the Democratic Republic of the Congo conduct themselves to the highest standards. I would like to take this opportunity to assure the people of the Democratic Republic of the Congo that any United Nations personnel found to have breached the code of conduct will be disciplined in a transparent and expeditious manner. In closing, I would like to thank my Special Representative, William Lacy Swing, and the men and women of MONUC for their dedication to the service of peace in the Democratic Republic of the Congo.

Abbreviations

CIAT	International Committee in Support of the Transition
FAPC	Forces armées du peuple congolais
FAR	Forces armées rwandaises
FARDC	Forces armées de la République démocratique du Congo
FDLR	Forces démocratiques de libération du Rwanda
FRPI	Front de résistance patriotique pour l'Ituri
ML	Mouvement de libération
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
ONUB	United Nations Operation in Burundi
RCD	Rassemblement congolais pour la démocratie
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UPC	Union des patriotes congolais

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31 December 2004

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Letter dated 20 December 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the peace process between Ethiopia and Eritrea, issued on 17 December 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Kingdom
of the Netherlands to the United Nations

05-20099 (E) 070105

Annex to the letter dated 20 December 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the peace process between Ethiopia and Eritrea, issued on 17 December 2004 by the Presidency on behalf of the European Union

The European Union welcomes Eritrea's statement on progress on the demarcation of the boundary with Ethiopia contained in the Ministry of Foreign Affairs declaration issued on 12 December, indicating that the peace process has arrived at a propitious juncture. The European Union agrees that the way forward lies in the full implementation of the 2000 Algiers Agreement and the subsequent final and binding decision of the Boundary Commission.

In this regard, the European Union considers the Eritrean statement, in conjunction with the declaration by Ethiopia of 25 November in which it pledges to pay its outstanding dues to the Boundary Commission and appoint field liaison officers, as an encouraging step which lays ground for further progress in the peaceful resolution of the border conflict between the two countries.

The European Union expresses its hope that the Boundary Commission will now be in a position to commence, in close cooperation with the two countries, the demarcation process and thus lay a solid basis upon which a lasting peace can be secured.

The European Union reiterates its firm commitment to assist Eritrea and Ethiopia in overcoming the current stalemate. The European Union considers sustainable peace between Ethiopia and Eritrea as fundamental for further national development and for the enhancement of peace and security in the region as a whole.

The candidate countries Bulgaria, Croatia,* Romania and Turkey, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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* Croatia continues to be part of the Stabilization and Association Process.

United Nations S/2004/1036

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31 December 2004

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Letter dated 31 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1518 (2003) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1518 (2003), containing an account of the Committee's activities from 1 January to 31 December 2004 (see annex). The report, which was adopted by the Committee today, 31 December 2004, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Mihnea **Motoc**
Chairman
Security Council Committee established
pursuant to resolution 1518 (2003)

05-20196 (E) 100105

Annex

Annual report of the Security Council Committee established pursuant to resolution 1518 (2003)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1518 (2003) covers the period from 1 January to 31 December 2004.

2. For 2004, the Committee's bureau consisted of Mihnea Motoc (Romania) as Chairman and the delegations of the Philippines and Pakistan as Vice-Chairmen (see S/2004/4).

3. During the reporting period, the Committee held four informal meetings, on 4 February, 16 November, 30 November and 20 December 2004.

II. Background

4. The Committee was established by Security Council resolution 1518 (2003) of 24 November 2003 to continue to identify, in accordance with paragraphs 19 and 23 of resolution 1483 (2003), individuals and entities whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq. According to paragraph 23 of resolution 1483 (2003), the freeze and transfer apply to funds, other financial assets and economic resources of individuals and entities associated with the former Iraqi regime, i.e., funds, other financial assets and economic resources removed from Iraq or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction; as well as to funds, other financial assets and economic resources of the previous Government of Iraq or its State bodies, corporations or agencies located outside Iraq.

5. As mandated by paragraphs 1 and 2 of Council resolution 1518 (2003), the Committee continued to update the lists of individuals and entities already identified, as well as adopted the guidelines and definitions previously agreed, by the Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait, which was terminated as from 22 November 2003, pursuant to resolution 1483 (2003).

III. Summary of the activities of the Committee

6. On 4 February 2004, the Committee convened its first informal meeting to discuss its future work.

7. On 23 February 2004, following consultations of the Committee on 4 February, the Chairman transmitted a note verbale to Member States, inter alia, reminding them of their obligations with respect to the freeze and transfer of funds, other financial assets and economic resources in accordance with paragraphs 19 and 23 of resolution 1483 (2003). During the reporting period, the Bolivarian Republic

of Venezuela and Lebanon replied to the communication, on 26 August and 7 September 2004, respectively.

8. At its informal meetings on 16 and 30 November 2004, the Committee discussed a letter transmitted by the Permanent Representative of Switzerland to the United Nations to the Chairman of the Committee, dated 5 November 2004. In the letter, the lawyers of an individual and an entity on the Committee's assets-freeze lists expressed their wish to discuss the introduction of de-listing procedures with the Committee and requested that the individual and entity be de-listed. The Chairman informed the Permanent Representative of Switzerland in a reply dated 3 December 2004 that the Committee had discussed the request, had it under consideration and would welcome additional justification and relevant information in support of the request.

9. In a letter to the Chairman of the Committee dated 11 November 2004, the Permanent Representative of Iraq to the United Nations requested permission to address the Committee at one of its meetings. Following discussions at its consultations on 16 and 30 November 2004, the Committee invited the Permanent Representative of Iraq to its informal consultations on 20 December 2004. At that meeting, the Permanent Representative of Iraq discussed with members of the Committee matters pertaining to the mandate of the Committee.

10. During the reporting period, the Committee updated its lists of individuals and entities three times, adding the names of 27 individuals and 201 entities to the original lists of 55 individuals and 5 entities earlier identified by the Security Council Committee established pursuant to resolution 661 (1990).